

1 Honorable Marsha J. Pechman
2
3
4
5
6
7

8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 LINDA LAROCQUE,

12 Plaintiff,

13 v.

14 THE KROGER CO., a foreign corporation doing
15 business in Washington state; and, FRED
16 MEYER STORES, INC., a foreign corporation
17 doing business in Washington state, a/k/a
18 TACOMA-STEVENS FRED MEYER,
19 GATEKEEPER SYSTEMS, INC., a foreign
corporation doing business in Washington
state,

Defendants.

NO. 3:25-cv-05380

STIPULATED MOTION TO CONTINUE CASE
SCHEDULE AND TRIAL DATE

NOTED: JULY 22, 2025

20 I. INTRODUCTION AND SUMMARY

21 All Parties stipulate and move for a new trial date and an extension of remaining
22 case deadline as set forth below. This motion is based on the Parties' agreed factual
23 statement and the records and pleadings on file in this matter.

24 II. AGREED STATEMENT OF FACTS

25 This case concerns injuries Plaintiff Linda Larocque suffered after the anti-theft
26 mechanism activated on a shopping cart at a Fred Meyer grocery store, locking its wheels

1 and causing Ms. Larocque's left knee to strike the back of the shopping cart. Initially, Ms.
 2 LaRocque asserted claims against The Kroger Co. and Fred Meyer Stores, Inc. ("Fred
 3 Meyer Defendants").

4 In their answer to the complaint, Fred Meyer Defendants assert third-party fault as
 5 an affirmative defense against Gatekeeper Systems, Inc. (See Dkt. No. 10, Fred Meyer
 6 Defendants' Affirmative Defense No. 1). Gatekeeper Systems manufactures, sells,
 7 installs, and/or maintains the anti-theft shopping cart locking system at issue in this
 8 lawsuit. The Court granted Ms. LaRocque's motion for leave to amend the complaint to
 9 assert claims against Gatekeeper Systems, Inc. Ms. LaRocque filed her amended
 10 complaint on June 26, 2025. (Dkt. No. 16). Gatekeeper System's counsel filed a notice of
 11 appearance on July 10, 2025. (Dkt. No. 18).

12 The current Order Setting Trial Date sets the trial date for May 26, 2026. Expert
 13 reports are due October 28, 2025. Discovery is currently scheduled to be completed by
 14 December 29, 2025. Given the addition of a new defendant requiring additional
 15 discovery, the Parties are unable to meet the current deadlines.

16 Therefore, the parties request an extension of the Case Schedule by at least three
 17 (3) months. The parties have no conflict with a trial date in August or September 2026.

18 **III. AUTHORITY AND ARGUMENT**

19 A case "schedule may be modified only for cause and with the judge's consent." Fed. R. Civ. P. 16(b)(2). Here, there is good cause because, despite diligently pursuing
 20 discovery and preparing their case, the Parties need additional time to complete
 21 discovery given the addition of a new defendant to this lawsuit.

22 The Parties believe good cause exists to adjust all remaining deadlines by
 23 approximately three months as shown below.

	Current Deadline	New Deadline
JURY TRIAL DATE	MAY 26, 2026	August 3, 2026
Deadline for joining additional parties	July 2, 2025	November 7, 2025
Deadline for filing amended pleadings	July 14, 2025	December 15, 2025
Reports from expert witness under FRCP 26(a)(2) due	October 28, 2025	March 2, 2026
All motions related to discovery must be filed by and noted on the motion calendar in compliance with Local Civil Rule (LCR) 7(d)	November 28, 2025	March 13, 2026
Discovery completed by	December 29, 2025	April 3, 2026
All dispositive motions must be filed by and noted on the motion calendar in compliance with LCR 7(d)	January 26, 2026	May 1, 2026
All motions in limine must be filed by and noted on the motion calendar in compliance with LCR 7(d)(5)	April 21, 2026	July 3, 2026
Agreed pretrial order due	May 13, 2026	July 17, 2026
Trial briefs, proposed voir dire questions, and proposed jury instructions due	May 13, 2026	July 17, 2026
Pretrial conference	May 15, 2026 At 1:30 PM	July 24, 2026 At 1:30 PM
Length of Trial:	6 days	6 days

Dated this 22nd day of July 2025.

GORDON THOMAS HONEYWELL LLP

By:


Robert C. Wilke, WSBA No. 49937

rwilke@gth-law.com

Ian M. Leifer, WSBA No. 56670

ileifer@gth-law.com

Attorneys for Plaintiff Linda LaRocque

1
2 CHOCK BARHOUM LLP
3

4 By: s/Hanna Lukes

5 John R. Barhoum, WSBA No. 42776

6 john.barhoum@chockbarhoum.com

7 Sarah Tuthill-Kveton, WSBA No. 51801

8 sarah@chockbarhoum.com

9 Hanna R. Lukes, WSBA No. 62610

10 hanna.lukes@chockbarhoum.com

11 Attorneys for Defendants Kroger and Fred Meyer

12 FLOYD, PFLUEGER, KEARNS, NEDDERMAN, & GRESS,
13 P.S.

14 By: s/Skyler Urban

15 Francis S. Floyd, WSBA No. 10642

16 ffloyd@nwtrialattorneys.com

17 Skyler P. Urban, WSBA No. 58761

18 surban@nwtrialattorneys.com

19 Attorneys for Defendant Gatekeeper Systems, Inc.

PURSUANT TO THIS STIPULATION, IT IS SO ORDERED that the parties' Joint and Stipulated Motion to Continue Case Schedule and Trial is GRANTED. The Court hereby sets the following new deadlines.

	NEW DEADLINE
JURY TRIAL DATE	October 26, 2026
Deadline for joining additional parties	December 2, 2025
Deadline for filing amended pleadings	December 15, 2025
Reports from expert witness under FRCP 26(a)(2) due	March 30, 2026
All motions related to discovery must be filed by and noted on the motion calendar in compliance with Local Civil Rule (LCR) 7(d)	April 28, 2026
Discovery completed by	May 29, 2026
All dispositive motions must be filed by and noted on the motion calendar in compliance with LCR 7(d)	June 26, 2026
All motions in limine must be filed by and noted on the motion calendar in compliance with LCR 7(d)(5)	October 21, 2026
Agreed pretrial order due	November 13, 2026
Trial briefs, proposed voir dire questions, and proposed jury instructions due	November 13, 2026
Pretrial conference	November 16, 2026 At 1:30 PM
Length of Trial:	6 days
DATED <u>July 22, 2025</u> .	



HONORABLE MARSHA J. PECHMAN